

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NOVO NORDISK A/S and  
NOVO NORDISK, INC.,

Plaintiffs,

-vs-

Case No. 05-40188  
Hon: AVERN COHN

CARACO PHARMACEUTICAL  
LABORATORIES, LTD. and  
SUN PHARMACEUTICAL INDUSTRIES, LTD.,

Defendants.

\_\_\_\_\_ /

**TRIAL ORDER**

This is a patent case. The patent-in-suit is U.S. Patent No. 6,677,358 (the '358 Patent). The issues to be tried to the bench are the validity and enforceability of the '358 Patent. This order relates to the trial.

1. Discovery is completed.
2. Trial is scheduled to begin on Tuesday, June 01, 2010, at 10:00 am.
3. A final pretrial conference (FPC) will be held on Tuesday, May 18, 2010, at 2:00 pm.
4. The trial is estimated to take six (6) to seven (7) trial days. The Court will establish time limits for each party at the FPC.

5. At the FPC, the parties shall lodge with the Court witness lists, which shall include a brief description of each witness' testimony, and whether the witness will testify in person or by deposition. If deposition testimony is to be offered at trial, it shall be identified at the FPC. Objections to such testimony shall be lodged with the Court by May 25, 2010.

6. An effort shall be made to present direct testimony in narrative form. See, *Manual of Complex Litigation*, Fourth ed §12.51.

7. At the FPC the parties shall lodge with the Court exhibit lists numbered for trial, together with a book of the exhibits. Listed exhibits are deemed admitted unless expressly objected to by May 25, 2010. Unless a listed exhibit is referenced during the course of trial, it is not part of the record of the trial.

8. With regard to deposition testimony, witness lists and exhibit lists, the parties shall exert their best efforts to ensure that the number of witnesses and exhibits are not excessive, and that irrelevant and cumulative deposition testimony is excluded.

9. Caraco Pharmaceutical Laboratories, Ltd. (Caraco), which is functionally the plaintiff, shall lodge with the Court at the FPC proposed findings of fact in separately numbered paragraphs in non-argumentative form.

10. At trial, as a witness is called, the Court shall be given a folder containing a list and a copy of each exhibit the witness intends to discuss. A like folder shall be given to the opposing party.

11. Trial briefs shall be lodged sequentially (Caraco first) with the Court prior to the FPC.

Any objections to this order shall be lodged with the Court within three (3) days.

SO ORDERED.

S/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: April 23, 2010

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, April 23, 2010, by electronic and/or ordinary mail.

S/Julie Owens  
Case Manager, (313) 234-5160